



MAIL STOP AF
EXAMINING GROUP 2613

PATENT
129250-002095/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Alan Glen Solheim et. al. Conf.: 2300
Appl. No.: 10//021,709 Group: 2613
Filed: December 12, 2001 Examiner: David C. Payne
For: WAVELENGTH EXERCISER
Docket No.: 129250-002095/US

**NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop AF

OCTOBER 30, 2006

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 28, 2006 of the Supervisory Patent Examiner final rejection of claims 13-20.

- The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- The enclosed document is concurrently filed with a Pre-Appeal Brief Request for Review.

Applicants hereby petition for an extension of _____ () month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

10/31/2006 SZEWDIE1 08000057 10021709

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500.00 0P

- NO extensions of time have been previously obtained for responding to the Final

Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

- An extension of _____ month(s) for responding to the Final Rejection was previously requested and paid for on . Thus a fee of \$ is required.
- Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

- Large entity - \$500.00
- Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$500.

Payment of the above TOTAL FEE is being made in the following manner:

- Check in the amount of \$500.00 is enclosed.
- Please charge Deposit Account No. 50-3777 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By


John E. Curtin, Reg. No. 37,602

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Please type a plus sign (+) inside this box → +

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)



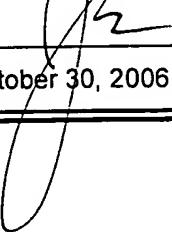
Application Number	10/021,709
Filing Date	December 12, 2001
Inventor(s)	Alan Glen SOLHEIM et al
Group Art Unit	2613
Examiner Name	David C. Payne
Attorney Docket Number	129250-002095/US

ENCLOSURES (check all that apply)

 Fee Transmittal Form Fee Attached Amendment After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 Assignment Papers
(for an Application) Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) _____ After Allowance Communication to Group LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims) Appeal Communication to Group
(Notice of Appeal, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s)
(please identify below): Check #1190 for \$500

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC	Attorney Name John E. Curtin	Reg. No. 37,602
Signature			
Date	October 30, 2006		



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2006

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

Complete if Known

Application Number	10/021,709
Filing Date	December 12, 2001
First Named Inventor	Alan Glen Solheim
Examiner Name	David C. Payne
Art Unit	2613
Attorney Docket No.	129250-0002095/US

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Other None Order

 Deposit Account:

Deposit Account Number 50-3777

Deposit Account Name CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$500)
4. SEARCH/EXAMINATION FEES					
1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	
SUBTOTAL (4)					(\$0)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	John E. Curtin	Registration No. (Attorney/Agent)	37,602	Telephone (703) 266-3330
Signature			Date	October 30, 2006

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.